



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



June 5, 2002

Mr. Wilfred Gagne
Engineering Officer
VA Medical Center
718 Smyth Road
Manchester, New Hampshire 03104

**CERTIFIED MAIL (7099 3400 0003 0687 3032)
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
ARD No. 2002-006**

Dear Mr. Gagne

On July 25, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") performed an unannounced compliance inspection of the Veterans Administration Medical Center located at 718 Smyth Road in Manchester ("VA Medical Center"). The purpose of the inspection was to evaluate VA Medical Center's compliance status with the State Permit to Operate, FP-S-0029 ("the Permit") issued on August 26, 1997, and the NH Admin. Rules Env-A 100 *et seq.*

As a result of the inspection and file review DES called the VA Medical Center on April 15, 2002 to discuss the deficiencies that were discovered. Specifically, DES called the VA Medical Center to discuss emissions from the facility, particularly the emissions from the ethylene oxide sterilization unit. DES understood that VA Medical Center would submit supporting documentation to DES demonstrating the emissions from the sterilization unit and that there have been no changes at the facility that would increase emissions.

This Letter of Deficiency ("LOD") is being sent to identify the deficiencies and request voluntary compliance. The deficiencies are as follows:

1. Condition IX. B. Recordkeeping and Reporting of the Permit requires the VA Medical Center to document the quantity of fuel combusted on a daily basis, fuel type, sulfur content and ash content. In the fuel usage reports, VA Medical Center is reporting type of fuel, quantity of fuel, but is not reporting sulfur content or ash;
2. Condition IX. A. Recordkeeping and Reporting of the Permit requires the VA Medical Center is required to submit emissions inventory reports on or before April 15th for the previous calendar year emissions. The VA Medical Center submitted the 1999 and 2000 emissions inventory reports on July 31, 2001;
3. Condition VIII. Emission-Based Fee Requirements of the Permit requires the VA Medical Center to pay emission-based fees annually, for the previous calendar year emissions by October 15th. The VA Medical Center submitted the 1999 emission fees on July 31, 2001; and

4. NH Admin. Rules, Env-A 1404.01(b) requires the VA Medical Center to demonstrate compliance with Env-A 1400 by May 8, 2000, following one of the methods specified in Env-A 1404.01(c). Further, Env-A 1400 requires this information to be retained on site and made available to DES upon inspection. The VA Medical Center did not have documentation demonstrating compliance with the Regulated Toxic Air Pollutants (RTAPs) emitted from the sterilization process at the facility.

DES believes that the above-noted deficiencies can be resolved by VA Medical Center taking the following actions:

5. Upon receipt of this LOD, begin maintaining the records required by the Permit. The specific deficiencies in recordkeeping discovered during the inspection and subsequent file review are noted in Item 1 through 3 of this LOD. Specifically, the VA Medical Center should document the sulfur content of the fuel used at the facility in accordance with Condition IX. B. of the Permit;

6. Submit all future emissions inventory reports to DES by April 15th for the previous calendar year. As required by Condition IX. of the Permit, the report should state the annual consumption of fuel oil or natural gas by each device for the previous calendar year, hours of operation for the Number 1, 2, and 3 emergency generator sets, and fuel use to include the quantity of fuel combusted on a daily basis, fuel type, and sulfur content;

7. Submit all future emissions-based fees to DES by October 15th for the previous calendar year emissions. Condition VII. of the Permit requires VA Medical Center to pay fees annually for the previous calendar year emissions by October 15th; and

8. Within 30 days of receipt of this LOD, submit to DES the results of the compliance determination as required by Env-A 1400. This compliance determination was required to have been completed prior to May 8, 2000 by following one of the methods specified in Env-A 1404.01(c). If the compliance determination shows that VA Medical Center emissions exceed any of the AALs listed in Env-A 1450, then submit to DES, with the results of the compliance determination, a compliance plan identifying how and when VA Medical Center will achieve compliance with Env-A 1400.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against VA Medical Center including issuing an order requiring the deficiencies to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Please address all information to Mike O'Brien, at the following address:

NHDES Air Resources Division
Compliance Bureau
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental goals. DES strives to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. In the event the VA Medical Center has any questions about pollution prevention, please feel free to contact Stephanie D'Agostino at (603) 271-6398.

Please be advised that DES will continue to monitor VA Medical Center's compliance status and that this letter does not provide relief against any other existing or future violations. It is important that VA Medical Center be aware of all the requirements in its Permit. Please feel free to contact DES should you have any questions regarding compliance with the NH Code of Administrative Rules Env-A 100 *et seq*, and the requirements of the Permit. A current copy of the Air Resources Division rules can be obtained from the DES website at www.des.state.nh.us/ard/ardrules.htm, or by contacting the Public Information Center at (603) 271-2975. If you have any questions regarding this matter, or require further information please contact Michael O'Brien at (603) 271-0872 or Mary Ruel at (603) 271-6795.

Sincerely,



Pamela G. Monroe
Administrator, Compliance Bureau
Air Resources Division

PGM/mob

cc: B. Scott, Chief Air Programs Mtg, NHDES-ARD
G. Rule, NHDES-O/C
S. D'Agostino, NHDES Pollution Prevention Coordinator
T. McCusker, EPA Region I
R. A. Baines, Mayor, City of Manchester
Enforcement File